

INS DETENTION STANDARD

DETENTION FILES

I. POLICY

All facilities will create a detention file for each INS detainee booked into the facility for more than 24 hours. The detention file will contain copies and, in some cases, the originals of documents including, among other things, the classification sheet, medical questionnaire, property inventory sheet, disciplinary records, etc.

II. APPLICABILITY

The standards provided in this Detention Standard shall apply to the following facilities housing INS detainees:

1. Service Processing Centers (SPCs);
2. Contract Detention Facilities (CDFs); and
3. State or local government facilities used by INS through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours; referred to as "IGSA facilities."

Within the document additional implementing procedures are identified for SPCs and CDFs. Those procedures appear in *italics*. IGSA facilities may find such procedures useful as guidelines. IGSAs may adopt, adapt or establish alternatives to, the procedures specified for SPCs/CDFs, provided they meet or exceed the objective represented by each standard.

See the separate "Definitions" Standard for the meaning of certain terms used in this document.

III. STANDARDS AND PROCEDURES

The creation of a detainee detention file is essential to maintaining a complete record of a detainee's time in facility custody. The file will contain the classification level and any copies of receipts for items issued to/surrendered by the detainee. It will also document adverse behavior, special requests and complaints, and other information considered appropriate for the record facility officials.

A. Creation of a Detainee Detention File

When a detainee is admitted into a facility, staff will create a detainee detention file as part of in-processing (admissions) procedures.

1. For every new arrival whose stay will exceed 24 hours, a designated officer will create a detainee detention file.

2. The officer completing the admissions portion of the detention file will note that the file has been activated. The note may take the form of a generic statement in the Acknowledgment Form (see section III.B.1.h, below).
3. *In SPCs/CDFs, a standard, green file folder with paper-attachment clips is acceptable. However, considering the number of detention files generated each year, the standard brown folder may prove more economical*
4. *The OIC will develop procedures to ensure that Processing has all necessary equipment and supplies, including photocopier(s) and paper, on hand at all times, and that all equipment is maintained in good working order. The equipment shall have the capacity to handle the volume of work generated in the Processing unit.*

B. Required Contents of File

1. The detainee detention file will contain either originals or copies of forms and other documents generated during the admissions process. If necessary, the detention file may include copies of material contained in the detainee's A-File.

The file will, at a minimum, contain the following:

- a. I-385, Alien Booking Record; one or more original photograph(s) attached;
- b. Classification Work Sheet;
- c. J-794, Public Health Service In-Processing Health Screening Form;
- d. Personal Property Inventory Sheet;
- e. Housing Identification Card;
- f. G-589, Property Receipt; and
- g. I-77, Baggage Check(s).

The file will also contain the following original documents, if used in the facility:

- h. Acknowledgment form, documenting receipt of handbook, orientation, locker key, etc.;
 - i. Work assignment sheet;
 - j. Identifying marks form;
 - k. The original detainee summary form.
2. The detainee's detention file shall also contain documents generated during the detainee's time in the facility. The Chief Detention Enforcement Officer (CDEO) or equivalent may direct that certain documents be added to the detention file.
3. Detention file contents A-File contents are subject to the same Privacy Act regulations.

C. Additions to File

1. During the course of the detainee's stay at the facility, staff will add documents associated with normal operations to the detainee's detention file without prior approval, e.g.:
 - a. Special requests;
 - b. Any G-589s and/or I-77s closed-out during the detainee's stay;
 - c. Disciplinary forms;
 - d. Grievances, complaints, and the disposition(s) of same;
 - e. All forms associated with disciplinary and/or administrative segregation.
2. Other documents require approval before inclusion in the file, e.g.:
 - a. Staff reports about the detainee's behavior, attitude, etc.;
 - b. Strip search forms.

D. Location of File

Detainee detention files will be located and maintained in a secured area.

In SPCs/CDFs:

1. *Active detainee detention files shall be maintained in the Processing area, unless the CDEO designates another area.*
2. *The cabinet containing the files does not need to be securable if located in a controlled access area. However, if the cabinet is located in a congested work area or in a high traffic area, it should lock.*
3. *The CDEO will determine the key distribution for file cabinets that lock.*
4. *Archived files shall be placed in storage boxes, with the dates covered clearly marked (from [xx/xx/xx] to [yy/yy/yy]). The CDEO will designate storage space.*

E. Active/Archived File

1. The detention file will remain active during the detainee's stay. Upon the detainee's release from the facility, staff will add final documents to the file before closing and archiving it.
2. Staff will insert into the released detainee's detention file copies of completed release documents, the original closed-out receipts for property and valuables, the original I-385 and other documentation.
3. The officer closing the detention file will make a notation (on the acknowledgement form, if applicable) that the file is complete and ready for archiving.

4. The closed detention file shall not be transferred to another facility with the detainee. However, staff may forward copies of file documents at the request of supervisory personnel at the receiving facility/office
5. When forwarding documents, staff will accordingly update the archived file, noting the document request, and the name and title of the requester.
6. The archived files may be purged after three years, with the material either shredded or, if possible, burned.

IGSA facilities shall retain inactive detention files no differently from SPCs/CDFs and shall, when requested, make them available to INS personnel.

F. Access to File

1. All staff may have access to the detention file.
2. Staff shall accommodate all requests for detainee detention files from other departments, which may need the material for disciplinary hearings or other proceedings. A representative of the department requesting the file is responsible for obtaining the file, logging it out, and ensuring its return.

Unless the CDEO or equivalent determines otherwise, borrowed file(s) shall be returned by the end of the administrative workday.

At a minimum, a logbook entry recording the file's removal from the cabinet will include:

- a. The detainee's name and A-File number;
- b. Date and time removed;
- c. Reason for removal;
- c. Signature of person removing the file, including title and department;
- d. Date and time returned; and
- e. Signature of person returning the file.


IV. FIELD OFFICE PROCEDURES

The field office with IGSA-facility jurisdiction shall create and maintain detention files on all detainees admitted to IGSA facilities. These files shall contain the same material (forms and other documents) as SPC/CDF detention files to the extent possible, given that they are created by the field office. For example, if the field office takes and holds detainee property, the detention file shall contain the G-589's and I-77's. The file shall also contain copies of all I-203's and the G-385 related to the alien. The IGSA shall forward all documents relating to the individuals detention to the INS field office of jurisdiction for inclusion into the detention file.

V. **AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED:**

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-1E-01, 1E-04.

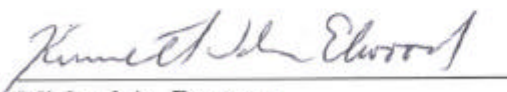
Approval of Standard



Michael D. Cronin
Acting Executive Associate Commissioner
Office of Programs

SEP 20 2000

Date



Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations

SEP 20 2000

Date

U.S. Immigration and Naturalization Service
NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT

Policy: Every facility will create a detention file for every INS detainee booked into the facility, excluding only detainees scheduled to depart within 24 hours. The detention file will contain copies and, in some cases, the original of specified documents concerning the detainee's stay in the facility: classification sheet, medical questionnaire, property inventory sheet, disciplinary documents, etc.

DETENTION FILES			
Components	Yes	No	Remarks
1. Is a detention file created for every new arrival whose stay will exceed 24 hours? a. Do written procedures for in-processing cover creation of the detention file?			
2. Does the OIC ensure that : a. Necessary equipment and supplies, including copier(s) and copier paper, are available? b. All equipment is maintained in good working order. c. Equipment has the capacity to handle the volume of work generated?			
3. Does the detainee detention file contain either originals or copies of documentation and forms generated during the admissions process? a. If necessary, are copies of documents and forms contained in the detainee's A-File?			
4. Does the detainee's detention file also contain documents generated during the detainee's custody? a. Special requests? b. Any G-589s and/or I-77s closed-out during the detainee's stay? c. Disciplinary forms/Segregation forms? d. Grievances, complaints, and the disposition(s) of same?			
5. Does the Chief Detention Enforcement Officer (CDEO) or equivalent direct certain documents be added to an alien's detention file?			

DETENTION FILES			
Components	Yes	No	Remarks
6. Are the detention files located and maintained in a secured area? If not: a. Are the cabinets lockable? b. If the file cabinets are locked, who will determine the key distribution?			
7. Does the detention file remain active during the detainee's stay? a. When the detainee is released from the facility, does staff add copies of completed release documents, the original closed-out receipts for property and valuables, the original I-385 and other documentation?			
8. Does the officer closing the detention file make a notation that the file is complete and ready to be archived?			
9. Does staff make copies and send documents from the file when appropriately requested by supervisory personnel at the receiving facility or office?			
10. Are archived files purged after three (3) years? a. By shredding? b. By burning?			
11. Does the entire staff have access to the detention files? a. Are other departmental requests accommodated? b. Is a representative of the department requesting the file responsible for obtaining the file, logging it out and ensuring its return?			
12. Do field offices controlling detention in IGSA facilities create and maintain detention files on all detainees admitted to IGSA facilities? a. Do these files contain the forms and documents set forth for SPC/CDF detention files to the extent that the field office creates them or the IGSA forwards them?			

**U.S. Immigration and Naturalization Service
NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT**

DETENTION FILES

Verification Sources:

The following may serve as sources of information for auditors verifying the facility's compliance with this detention standard:

SOURCE	TIME	DATE	LOCATION
A. Review of facility policy and procedures.			
B. Observation of inprocessing procedures			
C. Review of detention files			

Facilities must complete the attached Plan of Action for bringing operations into compliance. For each element found out of compliance, the plan of action will specify remedial action and the estimated timetable for compliance.

***Remarks:** *(Record significant facts, observations, other sources used, etc.)*

Auditor's Signature

Date